

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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Barry L. Wilder,

Plaintiff,

vs.

Michael J. Astrue, Commissioner of
Social Security,

Defendant.

C/A No.: 9:07-0200-MBS

OPINION AND ORDER

Plaintiff Barry L. Wider filed applications for supplemental security income payments and disability insurance benefits on May 27, 2003 and June 10, 2003, respectively, alleging disability commencing March 3, 1999 because of the removal of a toe on the right foot, diarrhea, gas, insulin dependent diabetes, and loss of eyesight. The application was denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge ("ALJ"). The ALJ held a hearing on April 6, 2005. On April 29, 2005, the ALJ issued a decision that Plaintiff was not entitled to a period of disability and disability insurance benefits under 216(i) and 223 of the Social Security Act. The ALJ also determined that Plaintiff was not eligible for supplemental security income payments under sections 1602 and 1614(a)(3)(A) of the Act. On May 25, 2006, the Appeals Council determined that there was no basis for granting Plaintiff's request for review. The Appeals Council reviewed additional medical information submitted by Plaintiff, but by letter dated December 5, 2006, declined to change its decision. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the "final decision" of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge George C. Kosko for a Report and Recommendation. On February 8, 2008, the Magistrate Judge filed a Report and Recommendation in which he recommended that

the Commissioner's decision be affirmed. Plaintiff filed no objections to the Report and Recommendation.

The court is charged with making a *de novo* determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly,

It is ORDERED that the Commissioner's decision is **affirmed**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

April 2, 2008.